

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TAMIN KENYON BENJAMIN,)
)
Petitioner,)
) 1:22-cr-198-1
v.) 1:24-cv-716
)
UNITED STATES OF AMERICA,)
)
Respondent.)

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on November 25, 2024, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b), (Doc. 100). The Recommendation was served on the parties in this action on November 25, 2024. (Doc. 101.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 100), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Petitioner promptly filing a corrected motion under § 2255 on the proper forms and a separate motion under § 3582(c)(2).

The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 24th day of January, 2025.

William L. Ostan, Jr.
United States District Judge